



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

SELDEN AS LEGAL HISTORIAN:

A COMMENT IN CRITICISM AND APPRECIATION.¹

I

JOHN SELDEN, jurist, statesman, orientalist, historian, was born in 1584 and died in 1654. After studying at Oxford he became a member of the Inner Temple and was called to the Bar in 1612. He gave opinions and practised as a conveyancer; and occasionally, in great cases involving special learning, he appeared in court. In 1621 began his long and distinguished Parliamentary and public career in which his legal and constitutional knowledge, especially perhaps his familiarity with the original records of the realm, was of inestimable value. Even as a student in the Inns of Court he manifested, however, his special tastes and abilities for scholarly pursuits; and, active as he was in the practice of his profession and in the exciting political life of his age, antiquarian and oriental studies always occupied a very large share of his time and thought. The real starting-point in his career as a scholar seems to have been his early and inspiring friendship with Sir Robert Cotton, the antiquary; and it was not long before he came to share in the labours of the scholars who forgathered in Cotton's famous library. Here and elsewhere friendships and ties were formed with most of the leading lawyers, statesmen, orientalists, historians, and *littérateurs* of the time; and in an eminent group that included such men as Cotton, Camden, Spelman, Clarendon, Coke, Jonson, Ussher, Hale, and Hobbes, he soon acquired the proud distinction of being the most learned of them all.

Selden's literary activity began at an early age and lasted down to his death. In 1607 he contributed a prefatory *carmen protrepticum* to the *Volpone* of his friend Ben Jonson, the poet. In this same year he finished his *Analecton Anglo-Britannicon*, a work in which

¹ The present paper will also appear in a collection of essays to be published in Germany. In this form the paper will include nearly two hundred notes containing discussions of points raised by Selden, many quotations from his works, and full references to passages in these works in support of the positions maintained in the paper.

he endeavoured to summarise the history of the people inhabiting the island from the earliest times down to the coming of the Normans in 1066; but though finished in 1607 this work, dedicated to Cotton, was not published till 1615 at Frankfurt, and then in a corrupt and mutilated form. In 1610 appeared three works: *Jani Anglorum Facies altera*, *England's Epinomis*, and *The Duello or Single Combat*. In the first of these he discusses the laws and customs of the Britons, Saxons, and Norsemen. But, though marked by great learning, this work presents the sources in a partly indigested form; and it is also injured, as Fry has pointed out, by a failure to draw the line carefully between the successive inhabitants of the island. *England's Epinomis* is partly an English version of the *Jani Anglorum Facies altera*; but the former embodies a discussion of the laws of Richard I. and John not contained in the latter, and the latter also has passages not found in the former. In *The Duello* he traces the history of this mode of trial in various countries, and concludes that it was first introduced into England by the Normans.

In 1612, at the instance of Michael Drayton, the poet laureate, Selden wrote notes on the first eighteen cantos of Drayton's *Polyolbion*; and in the following year he composed commendatory verses in Greek, Latin, and English to the *Britannia's Pastorals* of William Browne. Selden's great work on *Titles of Honour* appeared in 1614. He first traces the history of the "supreme" titles of honour — those of emperors, kings, and other rulers — and his learned inquiries lead him back even to the time before the flood! In the second part of his work he takes up the inferior titles, such as those of heirs-apparent to thrones, dukes, and counts; and at the last his discussion includes feminine titles, honorary attributes like *clarissimus* and *illustris*, and the laws of precedence. In 1616 came Selden's edition of Sir John Fortescue's famous treatise *De Laudibus Legum Angliæ*, and also his edition of the *Summae* of Hengham, an English medieval law writer. For Purchas he wrote in 1617 a *Treatise on the Jews in England*.

The first of Selden's works on oriental subjects, the *De Diis Syris*, was also published in 1617. So too in 1617 appeared *A Brief Discourse Touching the Office of Lord Chancellor of England*, dedicated to Sir Francis Bacon, and the *History of Tithes*, dedicated to Sir Robert Cotton. The latter is one of the greatest of all Selden's

works, and the one that has occasioned more controversy than any of the others. He traces the history of tithes among the Jews, Greeks, and Romans; then divides the history of tithes in the countries of the Christian era into four great periods of about four hundred years each; and finally devotes special chapters to the origin and development of tithes in England. Selden's contention that tithes were payable by the human positive law aroused those who believed that they were payable *jure divino*; and a fierce polemical discussion resulted. Selden's *Review of the History of Tithes*, *Admonition to the Reader of Sempil's Appendix*, *Reply to Tillesley's Animadversions upon the History of Tithes*, *Letter to the Marquess of Buckingham*, and *Of the Purpose and End in Writing the History of Tithes*, all resulted from this controversy and are among his most interesting productions. He was thrice summoned by King James to discuss with him the *History of Tithes* and other scholarly questions; and, at the king's orders, he wrote three tracts. Two of these were on the Revelation, — *Of the Passage in the Revelation of St. John Touching the Number 666*, and *Of Calvin's Judgment on the Revelation*; and the third was entitled *Of the Birthday of Our Saviour*.

In 1623 Selden published his edition of the six books of Eadmer, which present an account of the courts of William the Conqueror, William the Second, and Henry the First; and to the text itself Selden added his own "*Notae et Spicilegium*." His elaborate account of the works of art collected by the Earl of Arundel appeared in his *Marmora Arundelliana* in 1629, and brought him reputation for his lapidary knowledge. Although written many years before, Selden's learned and famous treatise entitled *Mare Clausum* — in opposition to the contention of Grotius's *Mare Liberum* — did not appear till 1636. Graswinckel's attack on Selden and the *Mare Clausum* called forth Selden's *Vindiciae* in 1653. By command of the House of Lords he wrote his treatise on *The Privileges of the Baronage of England*, which was printed in 1642. His *Judicature in Parliament* was not published till 1681, after his death.

Selden's edition of Fleta — a medieval English law-book based largely upon Bracton — appeared in 1647. In his valuable prefatory *Dissertatio ad Fletam* Selden gives a learned account of the English medieval law writers and of the influence of Roman law on the English law. Sir Roger Twysden was assisted by Selden

in editing ten unpublished works on English history. This important work — known as *Decem Historiae Anglicanae Scriptores* — appeared in 1653, with a preface by Selden entitled *Judicium de Decem Historiae Anglicanae Scriptoribus*.

Selden's *De Diis Syris*, published in 1617 was followed by several other oriental studies of great value, most of them relating to ancient Jewish or rabbinical law. His *De Successionibus in Bona Defunctorum ad Leges Ebraeorum* appeared in 1631. In 1636 was published his *De Successione in Pontificatum Ebraeorum*, dedicated to Laud. The *De Jure Naturali et Gentium juxta Disciplinam Ebraeorum* came out in 1640. Four years later appeared *De Anno Civili et Calendario Veteris Ecclesiae seu Reipublicae Judaicae*, and in 1646 the *Uxor Ebraica seu de Nuptiis et Divortiis Veterum Ebraeorum*. The first part of the *De Synedriis Veterum Ebraeorum* was published in 1650, the second in 1653, and the unfinished third after Selden's death. These works on rabbinical law have won high praise from scholars for their great learning. But at the same time they have called forth complaints, by severe critics, of "their discursiveness and occasional obscurity, and still more of the uncritical use made by Selden of documents of very unequal value." "Indeed," writes Fry, "Selden's statements about Jewish law are more often based on comparatively modern compilations than on the original sources, to some of which perhaps he had not access; and in accepting the rabbinical tradition as a faithful account of the Israelitish state, he was behind the best criticism of his time."

Selden's edition of a fragment of the history of Eutychius — *Eutychii Aegyptii patriarchae orthodoxorum Alexandrini Ecclesiae suae origines* — appeared in 1642. His famous *Table Talk*, containing his conversational remarks on various topics, was first printed, after his death, in 1689.²

The variety of subjects covered by these writings is thus most striking, and clearly indicates the breadth of Selden's interest and knowledge; while nearly all his works give evidence of the powerful influence exerted upon his mind by the revival of learn-

² Further biographical and bibliographical details will be found in Fry's article on Selden in the *Dictionary of National Biography*; Aikin's *Life of John Selden*; Johnson's *Memoirs of John Selden*; the biographical preface to Singer's edition of the *Table Talk*; the preface and biography in vol. i, and the bibliographical preface in vol. iii, of Wilkins's edition of Selden's *Opera Omnia*, in three folio volumes (each volume in two parts), London, 1726.

ing. Many of his writings are concerned, in one way or another, with the history of law both in eastern and in western countries, rather particular attention being devoted perhaps to legal development in England; and, in addition to his own original investigations, his works include also several valuable editions of writers on English law and history. A perusal of some of these works has suggested to the present writer the following fragmentary observations upon Selden as a legal historian. Special regard is paid to Selden's conception of history and of the historian's office and to his own historical methods; and in this study attention is directed more to his English than to his Latin, and more to his western than to his eastern writings. It seems appropriate that on the three hundredth anniversary of the publication of Selden's earliest writings of importance — *The Duello* and two other works appeared in 1610 — some comment in criticism and in appreciation of his work on the history of law should thus be made.³

II.

Although our primary purpose is to examine Selden's methods in the writing of such of his works as are concerned with legal history, we cannot make this examination with the highest understanding and with the deepest appreciation unless we pause for a moment to place ourselves at his own point of view, — to see just how he looked upon history and just how he looked upon the historian's task.

To Selden "history is fact" and the task of the historian is simply and solely to discover that fact and to set it forth. This conception seems to have dominated him from the very start. In the preface to his early work *The Duello*, he affirms that "historical tradition of use and succinct description of ceremony are [his] ends"; and in the tract itself he remarks: "I search not, what indefinitely ought to be, but what was with us in England." His whole position is stated with even greater clearness in his *Purpose and End in Writing the History of Tithes*. He flatly denies the charge that he has expressed his own opinion on the question as

³ In the preparation of the present paper the author has used Wilkins's edition of Selden's *Opera Omnia*, referred to in note 2, *supra*.

to the divine right of tithes, maintains that he has only reported what various fathers, divines, and canonists have held, and warmly concludes:

"And indeed, if I had done otherwise, I had run wholly from my title; for what had my opinion touching divine right been to matter of history, which is only fact, and was all that my title directed to? I never conceived that there was reason, why should it be exacted of him, who relates fact only, that he should conclude in a thing to which his premisses have no reference; that is, in matter of right. . . . And in sum, whatever I have there, from the beginning to the end, is but a collection into one volume of such things of fact, as lay before dispersed in many fathers, councils, stories, and other records, to be seen at any time, by them that desire them."

This, then, is Selden's attitude: History is what has actually been done and what has actually been thought by men in the past, and the historian's task in investigation and in composition is thus strictly limited by and to facts and phenomena. The historian may and must deal with the laws and institutions and practices of peoples and with the opinions held by men in reference to them, but he may and must deal with all these things merely as historical realities. His business is to search for and write down facts: it is no part of his business to express his own views in reference to those facts. This position comes out sharply in his *Admonition to the Reader of Sempil's Appendix*. "I have given you," he says, "the testimonies both ways; that only was my part." Again, further on, he remarks: "I was summarily to relate, not to discuss opinions; and for my own verdict, I have not yet learned that it is the part of him that writes an history, to give his verdict of what he relates." On the next page he spiritedly replies to Sempil: "He [Sempil] says, my judgment was suspected, touching the right of tithes. Alas! What is my judgment in such a point of divinity? Or why should it be suspected? Perhaps I was never sufficiently satisfied in that point, but doubted only as many do. When I have cause, I will tell what I think of it, but not in an history." In still another place he states: "Sir James [Sempil] never heard or read any opinion of mine touching this matter [*i. e.*, disposing of third tithe], unless he will call an historical narration upon other men's credits, an opinion."

Selden will restrict himself to the statement of facts and will not

in general allow his own personal view or interpretation of those facts any place in his historical work. He is possessed — and possessed fully — with a love for historical truth, and he sees that truth only in the actualities — only in the facts — of the past, quite untouched by the personality of the historian himself. It is only this objective historical truth, contained in fact and in fact alone, which it is the office of the historian to know himself and to make known to others. In the preface to the *History of Tithes*, where he is explaining his “course of composing” that work, he writes: “But all the bad titles that are ever due to abuse of the holiest obtestation, be always my companions, if I have purposely omitted any good authority of antient or late time, that I saw necessary, or could think might give further or other light to any position or part of it. For I sought only truth.” Later on, after his work had been attacked by critics, he reiterates, in striking and vigorous passages, his high sense of duty to historical truth. In his remarks on Sem-pil’s attack he says: “One meaning only I had, to tell that truth which I saw none had collected.” To Tillesley he replies: “But there is not a passage in it [*History of Tithes*], but that I ever did think, and now do think, to be most constant truth, as I have there delivered it.” There is a high note of sincerity in these words, and it is the same high note of sincerity that ennobles the passage from one of Hieronymus’s epistles which Selden adopts as his own and which he places at the very beginning of his work on the *Uxor Ebraica*. “Haec nos,” writes Hieronymus, “de intimo Hebraeorum fonte libavimus, non opinionum rivulos persequentes, neque errorum, quibus totus mundus repletus est, varietate perterriti, sed cupientes et scire et docere quae vera sunt.”

“To know and to teach those things which are true” — this is the key-note to Selden’s work; for his conception of history as the truth that underlies the facts of the past is most intimately connected with his idea of the purpose of historical studies. He is no mere antiquarian: he is an antiquarian and more than an antiquarian, for he is a real historian. He is not concerned with “bare and sterile antiquity”; he is concerned rather with the “fruitful and precious part,” the “precious and useful part,” of the past, for only this part of the past gives “light to the present,” only this part of the past helps the present generation of men to understand their laws and customs and institutions and thus to resolve their

doubts and to solve their problems. This view is embodied in his preface to *Titles of Honour*, where he says: "In our Europe, as writers afforded occasion, I have been large: omitting, I think, no obsolete title, the knowledge whereof may help to the understanding of those in present use. The like I say of ensigns. But such as were merely proper to their times, and have not so much as their shadow left, I have willingly forborn." The same position comes out in the preface to his edition of Fortescue's *De Laudibus Legum Angliæ*. "To this edition," remarks Selden, "are added the *sums* of Sir Ralph de Hengham, chief justice to Edward I., never till now printed; in whom, although most of the learning be touching essoins, defaults, and course of proceedings in such actions which are in seldom use at this day, yet divers things occur both specially observable in what he hath touching those proceedings (which a professor of the law cannot but wish to know) as also he often otherwise gives light to the customs or law of his time, whence, as through an ancestor of the right line, we must deduct that of the present." He expresses himself more strongly in the preface to the *History of Tithes* in these words:

"Nor is any end in it to teach any innovation by an imperfect pattern had from the musty relicks of former time. Neither is antiquity related in it to shew barely what hath been, for the sterile part of antiquity which shews that only, and to no further purpose, I value even as slightly as dull ignorance doth the most precious and useful part of it, but to give other light to the practice and doubts of the present. Light, that is clear and necessary. Nor could such as have searched in the subject see at all often, for want of such light."

But Selden's lofty conception of history and its uses is nowhere stated with greater clarity and force than in his dedication of the *History of Tithes* to his friend and patron, Sir Robert Cotton. In the course of this graceful and dignified tribute to Cotton he expresses himself thus:

"For, as on the one side, it cannot be doubted but that the too studious affectation of bare and sterile antiquity, which is nothing else but to be exceeding busy about nothing, may soon descend to a dotage; so, on the other hand, the neglect or only vulgar regard of the fruitful and precious part of it, which gives necessary light to the present, in matter of state, law, history, and the understanding of good authors, is but preferring that kind of ignorant infancy, which our short life alone allows us, before

the many ages of former experience and observation, which may so accumulate years to us, as if we had lived even from the beginning of time."

It is clear from what we have already seen of Selden's own views of the purposes of historical study that he did not look upon himself as merely a narrative historian, but that he endeavoured to be at the same time a didactic historian. His purpose was not accomplished by the mere telling of his story; it was accomplished only if he taught, by presentation of the truth of historic facts, the lessons of the past ages to the people of his own day. It was because he would be a teacher that he sought to write only upon the "precious" and "fruitful" and "useful" part of the past, for that part and that alone would give "light" unto the present. The purpose of instruction clearly underlies most, if not all, of his writings; and some of them indeed, such as the *Privileges of the Baronage of England*, were composed with the avowed practical object of conveying instruction to particular persons for particular purposes. No one, it is believed, can read Selden's works carefully and thoughtfully without feeling convinced that as a didactic historian he has been fully — and even eminently — successful.

But a further — and more difficult — question arises. May we place Selden among those historians who trace, in one or more of its phases, the evolution of human society? Is he a development-historian? In endeavouring to give some answer to this question we must of course not forget that Selden flourished over two hundred years before the application of the Darwinian theory of evolution to historical studies, and that it would be impossible therefore to expect from him any conscious work along the lines of that precise doctrine. But for many hundreds of years before the existence of the new historical school of the nineteenth century various historians have, at one time and another, given evidence of some conception of history as a development; and it is believed that Selden may properly be counted as one of them. His knowledge of the world's history, of the laws and customs and institutions of many peoples in many ages, gave him just that broad and comparative outlook on the facts of the past which it is necessary for any historian to have before he can properly and truly conceive of social development. Certainly we are justified in saying that he seeks for the origins of laws and customs and institutions, that

he notes the causes of historical changes, that he looks to the environment of historical phenomena, that he carefully observes historical periods, and that he conceives of the legal system of the present day as growing out of the legal system of the ages of the past. All of this may not amount to a conscious and fully developed theory of social and legal development, but at any rate it is a real and a far-seeing approach to such a theory.

Selden carefully distinguishes history from other branches of knowledge. Thus he draws a sharp line between mythology and history; and, though he loves philology and exalts it, he does not identify it with history, as some scholars have done and still do. He seems rather to view philology as an independent science which has aims of its own, but which nevertheless renders assistance — and necessary assistance — to legal history and to various other branches of knowledge. It is something to chronicle that a scholar of the classical tastes and abilities of Selden refuses, in the early seventeenth century, to adopt the view of many classical philologists that philology is history and history, philology. He takes rather the position, now being more and more adopted by scholars, that the two sciences, helpful though they may be and must be to each other, are yet distinct and different sciences, with distinct and different purposes and methods.

In a single word we may characterise Selden's whole attitude toward history and the historian as the attitude of the scientist, and not that of the philosopher. Selden's historical vision was far-reaching, but it was the far-reaching vision of the scientific historian, not the far-reaching vision of the philosophical historian; and this vision it was which, as we shall see directly, determined the character of his own work and the methods he employed to accomplish it.

III.

Indeed, Selden's conception of history and of the task of the historian affected his whole attitude toward the materials out of which he built up his historical works. It was his high ideal of the historical truth that exists in facts and facts alone that consciously and purposely guided him in the collection and employment of his sources of information as to what those facts were and as to when and where those facts existed. It was this high ideal that led him,

in exercising his "liberty of inquiry" by the "most accurate way of search," to seek diligently for authorities and to seek, too, only "good authorities," "authorities of best choice," "most choice and authentick monuments," "monuments of infallible credit," "known and certain monuments of truth"; for it was only these authentic and reliable sources, "chosen by weight, not by number," that gave him the "best light" as to the past. Indeed it was this high ideal that led him, wherever it was possible, to seek and to use as the solid basis of his historical work the original sources — the "original monuments"—themselves. In more than one place in his writings he has himself told us of his love for the "fountains" of knowledge and his firm conviction that in them historical truth is to be discovered in the surest way. As early as 1610 he writes in the preface to *The Duello*: "My aims shall take him for an advocate, which long since affirmed the full pleasing Syrens to be but allegories of antique records." Later on, in the preface to the *Titles of Honour*, he says: "Wherever my inquisition might aid, I vent to you nothing quoted at second hand, but ever loved the fountain, and, when I could come at it, used that medium only, which would not at all, or least, deceive by refraction." Again, when he is discussing his authorities in the preface to the *History of Tithes*, he remarks: "The fountains only, and what best cleared them, satisfied me; and I supposed every judicious reader would be so best satisfied also." At the very beginning of his work on the *Uxor Ebraica* he adopts for himself that sentence from one of the epistles of Hieronymus which we have already quoted: "Haec nos de intimo Hebraeorum fonte libavimus, non opinionum rivulos persequentes, neque errorum, quibus totus mundus repletus est, varietate perterriti, sed cupientes et scire et docere quae vera sunt."

Selden has, then, the very highest regard for the fountains themselves; and it is because of this very highest regard that he attacks — and attacks bitterly and even savagely — those writers who merely copy the one from the other, without independent research for themselves, and who thus pass on error from one to the other and from age to age. In the preface to the *History of Tithes*, for instance, we find him relentless in his criticism of certain sorts of ecclesiastical writers who are copyists and nothing more; and, in another connection, even the great Ivo of Chartres does not escape his scathing strictures.

In this insistence upon the value of the fountains Selden was not a prophet — he was an apostle. In earnestly and resolutely drawing the minds of his readers “back to the sources!”, he but voiced the spirit of his own day and the spirit of the days before his own. All parts of learned Europe had heard and were still hearing, had obeyed and were still obeying, this call of the humanists; and the group of historians and other scholars that formed itself about Cotton in Cotton’s priceless library were but partakers in the common tasks and in the common aspirations of the age. It may well be that not all of these men were quite aware that they were merely sharing in a broader movement; but we feel confident that Selden himself, the most learned Englishman of his time, was fully conscious that he was a helper in an intellectual awakening that was not bounded by the lands and the waters of England. Even if we had not evidence of this on nearly every page of his writings, his erudition was too deep and his vision too broad to permit us to assume for a single moment that he was unaware of being a co-worker in the sources with the legal historians and the scholars of France and of Germany and of other countries.

In examining the actual materials underlying Selden’s historical works, we find that several different kinds of materials have been employed. Of these a word.

In the first place it is important to observe that he has based his writings on both primary and secondary sources of information. He was reluctant to rely on secondary sources; but he tells us that, when he did so rely, he frankly confessed it. He much preferred primary sources; for he was content only with the best authorities, and the best authorities for him consisted in the primary sources themselves. His reliance on them is observable in his very earliest writings — such as *England’s Epinomis*, *The Duello*, and *Of the Jews sometime living in England* — and this remained to the last as perhaps the most characteristic feature of all his work. If, for instance, he was writing upon English legal history, what he in part based his work upon were of course the classical English law writers, such as Glanvill, Bracton, Fleta, Britton, Littleton, and Fitzherbert; but he seems to have relied much more often and much more confidently upon such primary sources as Domesday Book, charters, plea rolls, year books, the register of original writs, and statutes; for it was only when he had consulted these, that

he felt he was getting down to the bed-rock of legal historical truth.

In his letter to Vincent he strongly emphasised the necessity for the use of manuscript materials in the study and writing of English history, for in his day a comparatively small part of the great store-house of English sources had found their way into print. To use his own simile, the study and writing of English history by the use of printed materials alone was like plastering and painting a weak and poor building which needed much more the strengthening and enlarging that could be effected only by the employment of timber and stone. He followed his own precepts; for in his works on English history — including the history of English law — he made large use of the timber and stone of manuscript materials. But in general, not only in his works on English history, but also in those relating to other branches of historical inquiry, he refused to rely entirely on printed sources and carefully studied the manuscripts in his own library and the various libraries, such as that of Cotton, to which he had access. This was only proceeding in accordance with his fixed principle to see and to use only the best available authority; and it was an example that might well be followed with profit by more of our present-day historians.

In the writing of legal history he did not restrict himself to legal sources alone, but made full use of non-legal sources as well. The most striking illustration of this is seen in the quotations from poetical writings — in various languages — that embellish so many of his pages. He brings in verses, he tells us, because he believes they are “of necessary use in the search of” historical truth; and few legal writers have so enlivened and elucidated prosaical topics by poetical sources as he.

It was in accordance with his high standard of scholarship that he used the sources in their original language, and not in translation. He suspected translations of not always conveying the sense of the original; but he recognised that even learned readers — for whom he was writing — might not in all cases command the language of certain of the sources which he quoted, and he maintained accordingly that in such cases the use of translations — or at least explanations — was desirable and even necessary for the elucidation of the original texts themselves. In quoting, for instance, sources of English law he exacted of his readers a knowledge of

Latin and French, but he recognised that few, even of the learned, knew the old Anglo-Saxon, and he supplied them therefore with a translation of sources written in that tongue.

It was also characteristic of Selden that he consulted, if possible, not only late editions of the primary sources, but also, where they were necessary or would shed light, recently published secondary sources. This illustrates to us afresh his desire to get the "best light" on historical problems and his scientific bent of mind.

Harold D. Hazeltine.

THE UNIVERSITY OF CAMBRIDGE.

[*To be continued.*]